

REMARKS

A telephone discussion between the Examiner and Dennis Smid was held on February 27, 2009. The applicants wish to thank the Examiner for his time and consideration for such discussion.

In the present Communication dated January 28, 2009, the Examiner stated that the amendment filed 02/19/08 proposes amendments that do not comply with 37 CFR 1.173. In particular, the Examiner indicated that such 02/19/08 amendment fails to comply with 37 CFR 1.173(c) which pertains to status of claims and support for claim changes.

In response thereto, the present Response is believed to provide a status of all claims and provide support for the claim changes with regard to the 02/19/08 amendment.

Further, in the present Communication dated January 28, 2009, the Examiner stated that the supplemental declaration filed 02/19/08 was executed on 08/17/07.

As discussed during the February 27 discussion, a new executed declaration will be submitted upon the indication of the allowability of the present claims.

Furthermore, the Supplemental Amendment mailed on February 15, 2008 is re-submitted herein. Below are the Remarks presented in such Supplemental Amendment:

A telephone discussion between the Examiner and Dennis Smid was held on February 15, 2008. The applicants wish to thank the Examiner for his time and consideration for such discussion.

In the present Communication, the Examiner stated that the amendment filed 08/17/07 proposes amendments to the claims that do not comply with 37 CFR 1.173(b). In particular, the Examiner stated that "the changes to claim 7 have not been made relative to patented claim 7."

The present amendment is believed to correct the changes to claim 7.

Additionally, during the February 15 discussion, the Examiner stated that the applicants should re-submit the 08/17/07 amendment in response to the present Communication. Accordingly, amendments to the claims (except for claim 7 as discussed above) and the remarks which were previously submitted in the 08/17/07 amendment are re-submitted herein. As such, the following remarks are in response to the Office Action dated February 23, 2007.

Claims 1, 9, 15-17, and 22 have been canceled. Claims 2-8, 10-14, 18-21, and 23-28 are in this application.

The Examiner stated that Fig. 1 "should be designated by a legend such as -Prior Art--." Fig. 1 has been amended herein to include the legend "Prior Art."

The drawings were objected to under 37 CFR 1.83(a). In explaining this objection, the Examiner stated that the "second distance being different than the first distance must be shown or the feature(s) canceled from the claim(s)." In response thereto, the Examiner attention is directed to Fig. 2F and to lines 66-67 of column 3 of the U.S. Patent No. 6,012,255 (the present patent).

Claims 2-8, 10-14, 18-21, and 23-28 were rejected under 35 U.S.C. 112, first paragraph. In explaining this rejection, the Examiner stated that the "limitation that the first and second set of lines . . . are the only lines on the panel is new matter . . . [and that there] is no support found for such a limitation"

In response to the above 112 first paragraph rejection, the Examiner's attention is respectfully directed to Figs. 2A-2F of the present application. As clearly shown therein, only the first and/or second set of lines are on the construction board or panel. Further, the present specification clearly indicates that Figs. 2A-2F illustrate embodiments or examples of the present invention. (See. For example, lines 21-33 and 43-48 of column 2 of U.S. Patent 6,012,255.) Accordingly, it is respectfully submitted that there is support for the "limitation that the first and second set of lines . . . are the only lines on the panel" and that such limitation is not new matter.

Claims 2-8, 10-14, 18-21, and 23-28 were rejected under 35 U.S.C. 112, second paragraph. In explaining this rejection, the Examiner stated that the "term 'relatively thin' in the claims is a relative term which renders the claim indefinite;" in claims 7, 19, and 21, "the language 'said distance' is indefinite;" and in claims 24-28 "the language 'any value up to 2 inches or less' is vague and indefinite."

The claims as presented herein are believed to overcome all of the above matters. Accordingly, it is respectfully submitted that the above 112 second paragraph rejection be withdrawn.

The Examiner stated that the reissue oath/declaration filed with the application "is defective . . . because . . . amendments to the claims have been [made] since the execution of the last filed declaration."

A new declaration accompanies this amendment.

Claims 2-8, 10-14, 18-21, and 23-28 were rejected as being based upon a defective reissue declaration. In explaining this rejection, the Examiner provided an example of acceptable language for the declaration.

As previously indicated, a new declaration accompanies this amendment. Such new declaration incorporates language substantially similar to that provided by the Examiner. Accordingly, it is respectfully submitted that the above rejection based upon a defective reissue declaration be withdrawn.

It is unclear whether or not the Examiner has rejected any or all of the claims based on Robell. (See paragraph 10 on page 5 of the present Office Action.)

In any event, it is respectfully submitted that the present claims are distinguishable from Robell. As an example, it is respectfully submitted that Robell does not appear to disclose "wherein the first and second sets of substantially parallel lines pertaining to said number of marks are the only lines on said panel" as recited in independent claim 8.

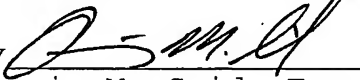
Accordingly, it is respectfully submitted that all of the claims now in this application (i.e., claims 2-8, 10-14, 18, 19, 20, 21 and 23-28) are allowable, and an early official notice to that effect is solicited. If, however, for any reason the Examiner does not believe that such action can be taken at

this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 518-6374 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 2, 2009

Respectfully submitted,

By 

Dennis M. Smid, Esq.

Registration No.: 34,930

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants